

DRAFT

ITEM #2

P.C. MEETING: 11/21/02

PUBLIC HEARING

COMMUNITY: Bear Valley/S-3
APPLICANT: A.J. Acosta
FILE/INDEX: CUP/M366-9N/APN: 0313-343-04
PROPOSAL: Appeal of staff action to Deny a request to extend the approval period three years for a Conditional Use Permit to establish two 12,000 sq. ft. buildings for heavy equipment repair, storage and offices; a lumber/firewood/general contractors storage yard with associated wood/green material processing including sawing and chipping on 5.5 acres.
LOCATION: North Shore Drive (Hwy 38) and Eagle Mountain Drive SE Corner.
REP('S): Kenneth Calegari, Applicant's Attorney
STAFF: J. P. McGuckian

Mr. J. Patrick McGuckian, Planner, presented the staff report, which is on file with the Land Use Services Department, Current Planning Division. Mr. McGuckian discussed and commented on the document distributed to the Commission from Mr. Acosta's attorney, Mr. Kenneth T. Calegari. Mr. McGuckian stated that there are several letters from the residents, and that this project is a neighborhood concern.

PUBLIC TESTIMONY

The following people testified on the proposal:

- Mr. Kenneth Calegari, Applicant's Attorney
- Ms. Patricia Miller, Concerned Citizen
- Ms. Mary Lou Mederer, Concerned Citizen
- Ms. Georgette Jankowski, Concerned Citizen

Mr. Kenneth Calegari, Applicant's Attorney, discussed their position in relation to the staff report that was prepared. Mr. Calegari discussed the operation of the site, Mr. Acosta's supporters, the original Conditional Use Permit (CUP), the 36th month extension of the Conditional Use Permit, the approvals of the CUP, and the inability of Mr. Acosta to obtain the water connection from the Big Bear City Community Services District (BBCCSD). He also discussed the water issues of the project, fire hydrants, financing concerns, and issues with the CUP deadline date.

He also spoke about the alleged code violations, and illegal dumping issues on the property. Mr. Calegari requested that the Planning Commission consider Mr. Acosta's appeal and grant the extension.

The Commission discussed the issues raised with Mr. Calegari.

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Discussion ensued between the Commission and Mr. McGuckian regarding Condition #21, the SUP for the operation. Mr. McGuckian stated that the SUP that was applied for was not for Condition #21, which was for the overall operation, but the SUP that was required was to monitor only the grinding operations.

Patricia Miller, Concerned Citizen, stated she lives near Mr. Acosta's property and drives by Mr. Acosta's property every day. She stated that she had four letters from other residents of the area protesting the project. She stated that she was formerly the President of the CSD Board of Directors in Big Bear City, and had concerns with Mr. Acosta's position that the water issue is CSD's problem. She discussed the laws, rules, and regulations of CSD regarding water and well rights versus the use of CSD water, the water shortage, the amount of water Mr. Acosta would be using for the trees, and the diseased trees across from Mr. Acosta's property. She stated that trucks were bringing materials into Mr. Acosta's property at 1:00, 2:00, and 3:00 a.m. She stated that Mr. Acosta has not been a good neighbor.

Mary Louise Mederer, Concerned Citizen, stated her property looks directly over Mr. Acosta's property. She stated that at 8:00, 9:00, and 10:00 p.m., there are trucks loading and unloading material at Mr. Acosta's property. She stated her concerns with the fire hazards, combustible material debris, lack of water, and that after 10 years of being in business, Mr. Acosta has ignored the San Bernardino County rules, has not met most deadlines, has not paid fees, and has continued to have a prohibited operation on his site. She stated she was fearful of the fire damage associated with some of the operations and storage procedures. She felt that some of the operation could be beneficial to Big Bear, but since Mr. Acosta has ignored the rules for 10 years, she felt he was not the man to accomplish this work. She urged the Commission to deny the appeal.

Georgette Jankowski, Concerned, Citizen, stated her property overlooks Mr. Acosta's operation. She discussed the grading plans, permits, Mr. Acosta's denial to move the operation, and the water well issues. She stated two instances where she saw the wood loaded trucks leaving, one at 1:30 a.m. and the other at 11:30 p.m.

Mr. Kenneth Calegari, Applicant's Attorney, responded to the issues of concern by the previous speakers.

Mr. J. Patrick McGuckian, Planner, discussed the October 7, 1999, set of conditions, the status of the Conditions from 1999-2002, the drought, and a new regulation by Big Bear City CSD, that restricted the use of water for construction or manufacturing purposes. He also responded to the notification issues that were brought up by Mr. Calegari.

There being no one else in the audience to speak on this item, Chair Kwappenberg closed the public testimony.

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DISCUSSION:

Discussion ensued between Commissioner Laning and Chair Kwappenberg regarding the water issues of the project, and a 30-day extension.

Commissioner Dowling commented on the water issue, stated concerns with the easement issue, and the financing issues. He felt there has not been a good faith effort over the three-year period to meet the conditions that were established in 1999.

Commissioner Dowling motioned to uphold staff's denial of Mr. Acosta's appeal. Chair Kwappenberg clarified that Commissioner Dowling was recommending to deny the appeal and uphold staff's determination. Chair Kwappenberg seconded Commissioner Dowling's motion.

Chair Kwappenberg and Commissioner Dowling voted in favor. Commissioner Laning voted opposed.

Rex Hinesley, Chief Deputy County Counsel, indicated that three votes (a majority of the entire Commission) were needed to take an action. In this case, the two votes were not the required majority, and, therefore, there was no action taken. Mr. Hinesley suggested that the Commission continue the matter until there are sufficient members to get a majority vote.

Commissioner Laning motioned to continue the item to January 9, 2003. Commissioner Dowling seconded the motion.

COMMISSION ACTION

CONTINUE to January 9, 2002, in the a.m.

MOTION: LANING SECOND: DOWLING

AYES: Dowling, Kwappenberg, Laning

NOES: None

ABSENT: Brown, Ferguson

ABSTAIN: None